

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Harold Rodriguez	Team: Squad #1	CCRB Case #: 201907809	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 09/02/2019 1:40 AM	Location of Incident: [REDACTED]	Precinct: 44	18 Mo. SOL 3/2/2021	EO SOL 10/17/2021	
Date/Time CV Reported Tue, 09/03/2019 1:03 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Tue, 09/03/2019 1:03 AM		
Complainant/Victim	Type	Home Address			
[REDACTED]	[REDACTED]	[REDACTED]			
Subject Officer(s)	Shield	TaxID	Command		
1. POM William Fernandez	03456	959633	044 PCT		
Witness Officer(s)	Shield No	Tax No	Cmd Name		
1. POM Jose Gonzalez	11703	941830	044 PCT		
Officer(s)	Allegation			Investigator Recommendation	
A.POM William Fernandez	Force: Police Officer William Fernandez struck § 87(2)(b) [REDACTED] with a vehicle.			[REDACTED]	

Case Summary

§ 87(2)(b) filed the following complaint with the CCRB on September 3, 2019 via the CCRB's online website.

On September 2, 2019, at approximately 1:40 a.m., § 87(2)(b) rode his bicycle along § 87(2)(b) in the Bronx and made a right turn onto Edward L. Grant Highway. Upon making the left turn, PO William Fernandez, of the 44th Precinct, allegedly struck § 87(2)(b) with his police vehicle (**Allegation A – Force:** § 87(2)(g) PO Fernandez and his partner, PO Jose Gonzalez, exited their vehicle, did not do anything and then left the location. § 87(2)(b) was not arrested or issued any summons.

There is no BWC video associated with this case.

Findings and Recommendations

Allegation (A) Force: Police Officer William Fernandez struck § 87(2)(b) with a vehicle.

§ 87(2)(b) rode his bicycle Eastbound on § 87(2)(b), towards Edward L. Grant Highway. He slowed down upon reaching the intersection in order to make the sharp turn but did not stop. After making a right onto the bicycle lane going Southbound on Edward L. Grant Highway, a police vehicle driving Northbound, against traffic in a Southbound lane, struck § 87(2)(b). § 87(2)(b) fell onto the hood of the police vehicle and struck his head on the hood. § 87(2)(b) stood up and picked up his belongings that spilled onto the ground. PO Fernandez and PO Gonzalez exited their vehicle and neither he nor either officer said anything. § 87(2)(b) and both officers remained silent for approximately two minutes as § 87(2)(b) picked up his belongings. Both officers got back into their vehicle and drove Westbound on § 87(2)(b). § 87(2)(b) walked his bicycle home and went to § 87(2)(b) Hospital the following morning because he had a headache, back pain and a scrape on his knee (Board Review 01). § 87(2)(b) provided photographs to IAB of cuts or abrasions to his lower back and right knee (Board Review 05, 06), however they appeared to be fully healed and he did not specify when he took the photos.

§ 87(2)(b)

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PO Fernandez, who was the driver of the police vehicle, stated that he made a U-Turn to position his vehicle for highway enforcement on the Southbound side of Edward L. Grant Highway, facing North, against traffic but not in the bike lane. § 87(2)(b) rode his bike at a high rate of speed down § 87(2)(b) and went through a stop sign as he turned right onto Edward L. Grant Highway. § 87(2)(b) stopped his bicycle and did not collide with the police vehicle but he did slam the palms of his hands onto the hood of the car in anger. The police vehicle moved slowly as PO Fernandez positioned his vehicle, but he stated that he managed to come to a full stop before § 87(2)(b) reached the vehicle. § 87(2)(b) never got off his bicycle and rode around in circles while officers spoke to him. He did not have any visible injuries (Board Review 03).

PO Gonzalez stated that while PO Fernandez made a U-Turn on Edward L. Grant Highway, he looked away, possibly to look at his memo book and only looked up when PO Fernandez hit the brakes. Upon looking up, he saw § 87(2)(b)'s bicycle tilted forward on the front wheel, with the

back wheel off the ground and § 87(2)(b)'s palms were on the hood of the police vehicle. He did not see or feel any impact with § 87(2)(b)'s bicycle (Board Review 04).

§ 87(2)(b), § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- PO Fernandez has been a member of service for four years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming severe injuries, pain, suffering, medical expenses and damages and seeking \$5,000,000 as redress. A request for a 50(H) transcript was sent to the NYC Comptroller's office on March 30, 2020 and the results will be added to the case upon receipt (Board Review 08).
- § 87(2)(b)

Squad No.: _____

Investigator: SI Harold Rodriguez _____ 3/30/20
Signature Print Title & Name Date

Squad Leader: Mgr. Joy Almeyda _____ 3.30.20
Signature Print Title & Name Date

Reviewer: _____ _____ _____
Signature Print Title & Name Date